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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/828,406   | 04/19/2004  | Allen Affolter       | 21037.24269         | 4527             |
| 7590   | 10/04/2005  |                      | EXAMINER            |                  |
| Timothy D. Smith<br>Brouse McDowell, LPA<br>106 S. Main Street, Ste. 500<br>Akron, OH 44308-1471 |             |                      | LA, ANH V           |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2636                |                  |

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                       |                      |
|------------------------------|-----------------------|----------------------|
| <b>Office Action Summary</b> | Application No.       | Applicant(s)         |
|                              | 10/828,406            | ALLEN AFFOLTER ET AL |
|                              | Examiner<br>Anh V. La | Art Unit<br>2636     |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/13/04, 1/13/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-9, 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by McTaggart (6,021,306).

Regarding claim 1, McTaggart discloses a method of displaying information in a magazine comprising flexible pages 120 bound together at a binding (figures 1-2A, column 11, lines 10-20), a flexible self-contained information display means including an electronic display membrane 121, 125, a control circuitry 160, a first power cell 162, affixing the membrane to the page (fig. 2A), and automatically displaying at least a first electronic information message on the display membrane.

Regarding claim 2, McTaggart discloses a sensor 127, 129, and sensing the turning of a flexible page adjacent to the membrane (col. 6, lines 15-32).

Regarding claim 3, McTaggart discloses affixing the control circuitry to the binding (fig. 1).

Regarding claim 5, McTaggart discloses electronic information storage means 166.

Regarding claim 6, McTaggart discloses selectively communicating the storage means to the control circuitry (col. 7, lines 20-65).

Regarding claim 7, McTaggart discloses preprogramming the storage means (col. 7, lines 20-65).

Regarding claim 8, McTaggart discloses an electronic data receiving port and programming the storage means via the receiving port (col. 7, lines 20-65).

Regarding claim 9, McTaggart discloses a magazine comprising at least first and second flexible pages 120 bound together at a binding (figures 1-2A, column 11, lines 10-20), a thin electronic display membrane 121, 125 fixedly attached to the first page, an electronic control circuitry 160, a first power cell 162, affixing the membrane to the page (fig. 2A), and a first power cell 162.

Regarding claim 15, McTaggart discloses a method of displaying information comprising a thin self-contained electronic display device 121, 125, preprogramming the display device with at least a first preprogrammed information message (col. 7, lines 20-65), affixing the display device to the at least a first associated page 122, and displaying the information message on the display device (fig. 1).

Regarding claim 16, McTaggart discloses automatically displaying the information message on the display device (fig. 1).

Regarding claim 17, McTaggart discloses selectively removing the display device from the associated pamphlet.

Regarding claim 18, McTaggart discloses a thin self-contained electronic display device 121, 125, a user interface means (fig. 3A, col. 8, line 50- col. 9, line 15), and automatically displaying the information message on the display device responsive to the input from the interface means (fig. 3A, col. 8, line 50- col. 9, line 15).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over McTaggart in view of Blotky (6,788,283).

Regarding claim 4, McTaggart discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose affixing the control circuitry to one of the pages. Blotky teaches the step of affixing a control circuitry 30 to one of pages 28 (fig. 2). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the step of affixing the control circuitry to one of the pages to the method of McTaggart as taught by Blotky for the purpose of effectively displaying an electronic information message.

5. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over McTaggart in view of Song (6,763,995).

Regarding claim 10, McTaggart discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose electronic information storage means being selectively removable with respect to the control circuitry. Song teaches electronic information storage means 34 being selectively removable with respect to the control circuitry. It would have been obvious at the time the invention was

made to a person having ordinary skill in the art to include electronic information storage means being selectively removable with respect to the control circuitry to the magazine of McTaggart as taught by Song for the purpose of effectively displaying an electronic information message.

Regarding claim 11, McTaggart discloses user interface means (fig. 3a, col. 8, line 50- col. 9, line 15).

Regarding claim 12, McTaggart discloses sensor means 127, 129 (col. 6, lines 15-32).

Regarding claim 13, McTaggart discloses audio transmitting means 170.

Regarding claim 14, McTaggart discloses a speaker 170.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smith, Baer, and Sugimoto teach displaying electronic information systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V. La whose telephone number is (571) 272-2970. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANH V. LA**  
**PRIMARY EXAMINER**

Anh V La  
Primary Examiner  
Art Unit 2636

AI  
September 19, 2005